

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawai'i 96813

April 8, 2016

Board of Land and Natural Resources  
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to April Surgent, Private Artist – Surgent Glassworks, for Access to State Waters to Conduct Art and Photographic Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument special ocean use permit for April Surgent, Private Artist, pursuant to § 187A-6, Hawai'i Revised Statutes (HRS), Chapter 13-60.5, Hawai'i Administrative Rules (HAR), and all other applicable laws and regulations.

The special ocean use permit, as described below, would allow entry and observational activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- French Frigate Shoals
- Laysan Island
- Lisianski Island, Neva Shoal
- Pearl and Hermes Atoll
- Midway Atoll
- Kure Atoll

The activities covered under this permit would occur between April 15, 2016 – April 14, 2017.

The activities being proposed are similar to other work previously permitted and conducted in the Monument.

INTENDED ACTIVITIES

The Applicant proposes to use photography and audio/visual recordings to document the value of the Northwestern Hawaiian Islands (NWHI) ecosystem and the Hawaiian monk seal research and conservation work conducted by the Hawaiian Monk Seal Research Program (HMSRP). These activities would take place while the Applicant serves as a volunteer researcher with the HMSRP, with all fieldwork activities covered under the 2016 Co-Trustee managers' permit (Permit no. PMNM-2016-001). The location of these activities will be dictated by the needs of the HMSRP, and may occur at multiple field camp sites (French Frigate Shoals, Laysan Island.

Lisianski Island, Pearl and Hermes Atoll, Midway Atoll, and Kure Atoll) during the field season from April 18 – August 28, 2016.

To carry out this purpose, the Applicant would transport various cameras a digital recording microphone, and a laptop computer. The Applicant intends to visually document HMSRP activities, and will therefore be photographing protected species, specifically the Hawaiian monk seal.

These resource materials would be used to inform a body of artwork to be produced by the Applicant at a later time. A small portion of the photographs and A/V materials collected will be used as supporting content in gallery exhibitions of this work. In addition, the Applicant may collect a limited amount of marine debris (glass and/or plastic) to engrave as part of her body of work.

Through the creation of media/art, the Applicant will seek to raise public awareness of both the existence of the Monument and the vulnerability of its resources due to anthropogenic change. The proposed activities coincide with the Monument's goal to "bring the place to the people" and target a variety of actions and strategies in the MMP including:

- Constituency Building and Outreach Action Plan (*CBO 3.5.2*).
- Threatened and Endangered Species Action Plan (*TES 1.5, Support outreach and education on Hawaiian monk seals*).
- Marine Debris Action Plan (*Strategy MD-3, Develop outreach materials regarding marine debris*).

The project would directly benefit the conservation and management of the Monument by increasing ocean ecosystems literacy and promoting stewardship values in line with the Monument Management Plan's (MMP's) Ocean Ecosystems Literacy Action Plan Strategy-1, "mainstreaming Northwestern Hawaiian Islands (NWHI) and ocean ecosystem literacy" (PMNM MMP 2008 Vol. I, p. 287).

**The activities described above may require the following regulated activities to occur in State waters:**

☒ Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving Monument resource

#### REVIEW PROCESS

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai'i Division of Aquatic Resources, Hawai'i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since February 12, 2016, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

**Comments received from the scientific community are summarized as follows:**

Scientific reviews support the acceptance of this application. The following concerns were raised:

1. Is it possible for the Applicant to notify PMNM of any of her exhibitions or publications that will be released?

The Applicant responded with:

Yes.

2. Is the Applicant going to make other art products, including logos from the Monument, with her collected images and sounds?

The Applicant responded with:

*It is possible that the Applicant may employ mediums other than glass, photographs and audio/video for some of the final works of art to be exhibited. While those listed are the Applicant's primary focus, the outcomes and context of the research will ultimately determine material considerations. Material choice is a very important consideration for artwork aimed at conveying a specific idea or research outcome; therefore the most appropriate material for the idea must be used.*

*The primary mediums proposed are listed and will be employed because glass engravings serve as archival records, poignant for documenting changing/disappearing environments and species. Photographs and A/V because they are the most direct visual tools that we use in the 21st century.*

*Examples of works of art produced in mediums other than glass engravings, photographs and A/V that could potentially be used, include but are not limited to: drawings, sketches, watercolor paintings, journal entries, exhibition catalogue, use of marine debris, metal, wood, sculpture. It is also possible the Applicant could collaborate with another artist or fabricator to make a piece of art she would not otherwise be able to produce on her own.*

*Ultimately, the goal of any art produced is to convey the research outcomes in the most appropriate way to the idea of the individual piece of art. The conceptual context of all art, regardless of material, will be under the umbrella of expressing the work of the Hawaiian Monk Seal Research Project (HMSRP), the experience of remote conservation fieldwork, the plight of the Hawaiian monk seal and the important value of monument resources and the conservation and preservation of them. Training, a season of field research and continued collaboration with the HMSRP will ensure that any works of art completed and exhibited will be aligned with monument regulation.*

*The Applicant does not foresee using any monument logos in produced artwork.*

**Reviewer Follow-up Question and Applicant Answer:**

Do you plan to collect marine debris during your field camp season for use in future art works? Please also specify what type of marine debris you would be looking to collect (ie: glass and plastic only?).

The Applicant responded with:

*I had thought that I might end up drawing on marine debris while I was out there and or I know there is a lot of glass, perhaps engrave a few glass bottles.*

*As far as engraving anything, that would happen back at the studio. I would bring them back with me if that is a possibility; thinking that marine debris isn't a Monument resource.*

*Mostly interested in glass because that is my medium and I am drawn to the irony. Other than that I don't have a specific idea of what I would be looking for; not exactly sure what to expect. Although, I do imagine that I will be interested in plastic.*

3. How does the Applicant intend to market imagery, or derived products? Will PMNM have the opportunity to review any imagery products marketed?

The Applicant responded with:

*The Applicant will work with her galleries to market the artwork produced. Typical marketing includes social media, e-mail blast announcements, printed and online ads in magazines and other such publications, printed announcement cards and catalogs produced by galleries with artistic direction from Applicant.*

*When practicable, the PMNM will have the opportunity to review imagery products used for marketing exhibitions. This would include an image of a piece of art or a photograph and accompanying description that would be used in print advertising or major online publications. Please be aware that these forms of ads are usually done under very tight timelines. It may be difficult for the PMNM to review imagery that would be included in e-mail updates or more informal announcements about exhibition openings or events.*

*The Applicant will work with the PMNM and HMSRP to ensure that she is operating within the guidelines of the PMNM and that all information used for marketing is factual.*

4. Why was Tern Island specifically selected for the Applicant's art research proposal? Why are other islands not selected, including the Main Hawaiian Islands?

The Applicant responded with:

*Tern Island was requested because the Applicant is interested in how anthropogenic impacts have affected the fragile ecosystems of NWHI in both a historical and contemporary context;*

*specifically including the lasting impact of the remaining infrastructure there. However, the Applicant is aware that she may not be able to be placed at Tern Island and is prepared and able to fulfill her research at any of the field camps she is placed.*

*While all of the work the HMSRP is of interest to the Applicant, the work they do in the MHI and in the NWHI is vastly different. The Applicant is specifically interested in their work in the NWHI due in part because her research is aimed at learning about and humanizing remote conservation fieldwork, what it entails and why the efforts of such work is important. Another aspect of her proposed research focuses on the unique ecosystems of the NWHI; of special interest to the applicant because of the significant biodiversity of the NWHI and their vulnerability to anthropogenic impact and climate change. Furthermore, in the applicant's experience, people are generally unaware of the importance of the conservation of the NWHI, many outside of HI not even aware of their existence.*

5. Does the Applicant have a list of web-links about recent galleries?

The Applicant responded with:

*Traver Gallery, Seattle, WA: <http://www.travergallery.com/>*

*Heller gallery, New York, NY: <http://www.hellergallery.com/>*

*The Applicant recently started working with David Austin of Austin Art Projects, Palm Springs, CA: <http://www.austinartprojects.com/>*

*The Applicant also works with museums. Most recently: Museum of Northwest Art, LaConnor, WA: <http://www.monamuseum.org/> Shelburne Museum, Shelburne, VT: <https://shelburnemuseum.org/>*

6. Does the Applicant provide a letter of reference for her expeditions in Antarctica? If so, we are interested to know of their experiences with the Applicant.

The Applicant responded with:

*The Applicant was introduced and referred to the HMSRP by a HMSRP field researcher [Shawn Farry] whom she met and worked with in Antarctica. While the Applicant was not an embedded member of a specific research team at Palmer station she spent a great deal of time with the birder group whose field team members have also worked for the HMSRP [Shawn Farry, Ben Cook, Carrie McAtee]. The Applicant provided their names to the HMSRP as references but did not ask them for formal letters of recommendation.*

7. Is the Applicant a volunteer or contracted employee with NOAA?

The Applicant responded with:

*Volunteer*

8. Is the Applicant willing to work with USFWS to obtain and incorporate a historical perspective of Tern Island?

The Applicant responded with:

*Yes and would like to do so.*

COMMENTS / RECOMMENDATIONS:

1. The Applicant should review and abide by PMNM's Special Ocean Use (SOU) Permit Film/Photography Special Conditions (see attached).

The Applicant responded with:

*Noted*

2. Please contact PMNM Education & Technology Coordinator, Andy Collins (Andy.Collins@noaa.gov; 808-725-5802) and PMNM Communications Manager, Toni Parras (Toni.Parras@noaa.gov; 808-725-5811) to review the special conditions in comment 1 above and discuss potential Monument usage of imagery generated from your proposed activities.

The Applicant responded with:

*Noted*

3. Applicant should be aware that all special conditions in comment 1 above would apply to any and all imagery collected whether "on" or "off" duty.

The Applicant responded with:

*Noted*

4. On page 12, under #11, the application states: "The Applicant holds all the copyright and usage rights for all photo/video/ and audio recordings." According to the SOU film/photography special conditions, the artist holds the copyright but PMNM also has usage rights, so suggest "usage" be removed from the above sentence.

The Applicant responded with:

*Noted and have made change to application.*

5. If the permit Application is granted, we would like to share our story of Tern Island with the Applicant, to share the recent challenges of the USFWS efforts at French Frigate Shoals.

The Applicant responded with:

*Noted and very interested in learning more about the story.*

6. The Applicant checked access to Midway Atoll on page 5, but does not provide a response for Findings “n”, “o”. Please consider having the Applicant remove Midway for access, or she may provide a response if access is considered.

The Applicant responded with:

*Noted and have made change to application.*

7. Cultural resources significant to Native Hawaiians will not be photographed.

The Applicant responded with:

*Noted*

8. There will be no written articles from the Applicant about Monument resources, only glass-etched workings, and collected images and sounds will be used for her exhibition of finished pieces.

The Applicant responded with:

*As described in question #2, there is a possibility that some artworks may be made out of materials other than described in this comment.*

*The purpose and intention of the Applicant's research and resulting artwork is to bring awareness to the HMSRP, the plight of the Hawaiian monk seal and the Monument. The vast majority of the works produced will be visual representations. However, the Applicant can foresee using the written word when it will help further the understanding of the artwork. All informative texts fact checked either by the HMSRP or PMNM.*

*The Applicant intends to keep notebooks, log books, and write prose and poetry during her fieldwork with the HMSRP and can foresee using written material as supporting documentation to help convey a clear understanding of her artistic work. Visual representation of an idea is a powerful way of communicating ideas and text can help further understanding. Written text may accompany a piece in exhibition or used in exhibition catalog or artist's book.*

*The Applicant is sometimes asked to give interviews for articles about her work and special projects and anticipates the possibility that she may be interviewed about this work. Past articles have been written in newspapers, books and magazine articles. Before any articles go to print the applicant can request that the article be checked by either the PMNM or HMSRP for fact checking.*

*It should also be noted that the Applicant is often asked to give public lectures about her work and special projects, primarily in conjunction with an exhibition. She anticipates that she may be asked to speak about this body of work in a public lecture setting ie; a lecture at a gallery, museum, library, school, conference etc. Before giving any lecture the Applicant can share her lecture with the PMNM or HMSRP for fact checking.*

9. The resulting artwork will be displayed at art shows in order to increase public awareness of the conservation efforts of the Monument.

The Applicant responded with:

Yes

**Comments received from the Native Hawaiian community are summarized as follows:**

No comments were received from the Native Hawaiian community or PMNM Cultural Working Group regarding this application.

**Comments received from the public are summarized as follows:**

No comments were received from the public on this application.

**Additional reviews and permit history:**

Are there other relevant/necessary permits or environmental reviews that have or will be issued with regard to this project? (e.g. MMPA, ESA, EA) Yes ☒ No ☐

If so, please list or explain:

- ☐ The proposed activities are in compliance with the National Environmental Policy Act.
- ☐ The proposed activities are in compliance with the Endangered Species Act.
- ☐ The proposed activities are in compliance with Section 106 of the National Historic Preservation Act.
- ☐ The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment ("DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAHA NAUMOKU AKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO APRIL SURGENT, PRIVATE ARTIST, FOR ACCESS TO STATE WATERS TO CONDUCT ART AND PHOTOGRAPHIC ACTIVITIES UNDER PERMIT PMNM-2016-011")

Has Applicant been granted a permit from the State in the past? Yes ☐ No ☒

If so, please summarize past permits:

Have there been any a) violations: Yes ☐ No ☒



b) Late/incomplete post-activity reports: Yes ☐ No ☒

Are there any other relevant concerns from previous permits? Yes ☐ No ☒

#### STAFF OPINION

DAR staff is of the opinion that the Applicant has properly demonstrated valid justifications for her application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with certain special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Special Ocean Use Permit General Conditions. All suggested special conditions have been vetted through the legal counsel of the Co-Trustee agencies (see Recommendation section).

#### MONUMENT MANAGEMENT BOARD OPINION

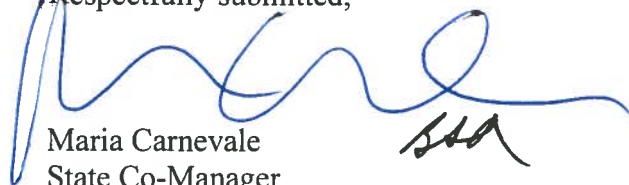
The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by DAR staff.

RECOMMENDATION

Based on the attached proposed declaration of exemption prepared by the department after consultation with and advice of those having jurisdiction and expertise for the proposed permit actions:

1. That the Board declare that the actions which are anticipated to be undertaken under this permit will have little or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Upon the finding and adoption of the department's analysis by the Board, that the Board delegate and authorize the Chairperson to sign the declaration of exemption for purposes of recordkeeping requirements of chapter 343, HRS, and chapter 11-200, HAR.
3. That the Board authorize and approve a special ocean use permit to April Surgent, Private Artist, with the following special conditions:
  - a. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocols attached to this permit.
  - b. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
  - c. Refueling of tenders and all small vessels must be done at the support ships and outside the confines of lagoons or near-shore waters in the State Marine Refuge
  - d. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.
4. That the permittee provide, to the best extant possible, a summary of their Monument access, including, but not limited to, any initial findings to the DLNR for use at educational institutions and outreach events.


Respectfully submitted,



Maria Carnevale  
State Co-Manager

Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne D. Case  
Chairperson

**Papahānaumokuākea Marine National Monument**  
SPECIAL OCEAN USE Permit Application

**NOTE:** *This Permit Application (and associated Instructions) are to propose activities to be conducted in the Papahānaumokuākea Marine National Monument. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, provide all information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Papahānaumokuākea Marine National Monument (Monument).*

**ADDITIONAL IMPORTANT INFORMATION:**

- Any or all of the information within this application may be posted to the Monument website informing the public on projects proposed to occur in the Monument.
- In addition to the permit application, the Applicant must either download the Monument Compliance Information Sheet from the Monument website OR request a hard copy from the Monument Permit Coordinator (contact information below). The Monument Compliance Information Sheet must be submitted to the Monument Permit Coordinator after initial application consultation.
- Issuance of a Monument permit is dependent upon the completion and review of the application and Compliance Information Sheet.

**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

Send Permit Applications to:  
NOAA/Inouye Regional Center  
NOS/ONMS/PMNM/Attn: Permit Coordinator  
1845 Wasp Blvd, Building 176  
Honolulu, HI 96818  
nwhipermit@noaa.gov  
PHONE: (808) 725-5800 FAX: (808) 455-3093

**SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. FOR  
ADDITIONAL SUBMITTAL INSTRUCTIONS, SEE THE LAST PAGE.**

## **Papahānaumokuākea Marine National Monument Permit Application Cover Sheet**

This Permit Application Cover Sheet is intended to provide summary information and status to the public on permit applications for activities proposed to be conducted in the Papahānaumokuākea Marine National Monument. While a permit application has been received, it has not been fully reviewed nor approved by the Monument Management Board to date. The Monument permit process also ensures that all environmental reviews are conducted prior to the issuance of a Monument permit.

### **Summary Information**

**Applicant Name:** April Surgent

**Affiliation:** Surgent Glassworks

**Permit Category:** Special Ocean Use

**Proposed Activity Dates:** April 18, 2016 - August 28, 2016

**Proposed Method of Entry (Vessel/Plane):** NOAA RV Hi'ialakai

**Proposed Locations:** Primarily French Frigate Shoals but could visit all islands/atolls except Nihoa and Mokumanamana.

**Estimated number of individuals (including Applicant) to be covered under this permit:**

1

**Estimated number of days in the Monument:** 120

**Description of proposed activities:** (complete these sentences):

a.) The proposed activity would...

The applicant will work with the Hawaiian Monk Seal Research Program as a field researcher in the Monument (activities covered under PMNM Manager's Permit). In addition to these activities she proposes to take photographs and record audio/video [A/V] footage to document HMSRP fieldwork and the unique ecosystem of the NWHI. The purpose of this activity is to gather resource materials to inform a comprehensive body of artwork aimed at discussing the critical value of conservation in and of the Monument while directly helping with the fieldwork of the HMSRP.

b.) To accomplish this activity we would ....

To accomplish this activity the applicant will assist the HMSRP as a field camp researcher. Working within the parameters of a HMSRP field researcher, the applicant will take photographs and A/V footage of the field team at work, the surrounding environments and wildlife.

c.) This activity would help the Monument by ...

With the consideration that many people only see and understand the world through pictures and or artist and writer interpretation, photographs and A/V footage would be used to help bring awareness to the Monument by propagating public interest through art. Art is a powerful tool for communicating knowledge because it offers an accessible and visceral means of inspiring people across all social and political spectrums and is an invaluable catalyst for facilitating complex ideas to the public at large. Given the sensitive natural and cultural resources of the NWHI, the Monument has adopted the philosophy of bringing the Monument to the people. The activities proposed here will help accomplish that mission by using this media/art produced to raise awareness of the important efforts being undertaken in the NWHI.

**Other information or background:**

The applicant is a professional artist and field worker embedded within the HMSRP in part to conduct the proposed creative activities. The conceptual merit of the applicant's activities are to document a remote and vulnerable ecosystem markedly impacted by anthropogenic climate change and or disturbance; illustrating our changing world, how we relate to it and the value of environmental stewardship and wildlife conservation. Working in the field for a season with the HMSRP will enable the applicant to become intimately familiar with the Monument establishing a knowledgeable perspective of the NWHI essential for producing an informed body of artwork while simultaneously helping recover one of the most endangered species in the region.

The body of artwork to be made in response to the applicant's activities in the Monument will principally be comprised of cameo glass engravings; the applicant's primary medium. The applicant is a leader in the field of cameo engraving and uses photographic imagery to support her glass work. The vast majority of the photographic and A/V material recorded will be used solely as compositional studies for engravings. A very small portion of photographic imagery and A/V recordings will be used in exhibition as supplemental audio and visual material to afford the most complete documentation of the applicant's research.

Nationwide gallery and museum exhibitions, catalogs, public lectures and panel discussions serve as the primary thoroughfares for the circulation of the applicant's artwork. While the dissemination of art is nonlinear, it has the unique potential to reach diverse audiences that would not otherwise be exposed to or understand the value of the conservation effort of the Monument.

## **Section A - Applicant Information**

### **1. Applicant**

Name (last, first, middle initial): Surgent, April [no middle name]

Title: Artist, Owner/Operator Surgent Glassworks

**1a. Intended field Principal Investigator (See instructions for more information):**  
April Surgent, Artist, Surgent Glassworks

**2. Mailing address (street/P.O. box, city, state, country, zip):**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

For students, major professor's name, telephone and email address:

**3. Affiliation (institution/agency/organization directly related to the proposed project):**  
NOAA Fisheries Hawaiian Monk Seal Research Program/ Surgent Glassworks

**4. Additional persons to be covered by permit. List all personnel roles and names (if known at time of application) here (e.g. John Doe, Research Diver; Jane Doe, Field Technician):**

## **Section B: Project Information**

### **5a. Project location(s):**

<input type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Necker Island (Mokumanamana)	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> French Frigate Shoals	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Gardner Pinnacles	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Maro Reef			
<input checked="" type="checkbox"/> Laysan Island	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Lisianski Island, Neva Shoal	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Pearl and Hermes Atoll	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Midway Atoll	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Kure Atoll	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Other			

### **Ocean Based**

☐ Remaining ashore on any island or atoll (with the exception of Midway & Kure Atolls and Field Camp staff on other islands/atolls) between sunset and sunrise.

NOTE: There is a fee schedule for people visiting Midway Atoll National Wildlife Refuge via vessel and aircraft.

### **Location Description:**

Given current HMSRP staffing needs the applicant will most likely be deployed to French Frigate Shoals, but this is not a certainty. It is also possible that the applicant will assist with deployment of all the field camps before being deployed at French Frigate Shoals so photography and A/V recordings may occur at multiple locations.

### **5b. Check all applicable regulated activities proposed to be conducted in the Monument:**

- ☐ Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving Monument resource
- ☐ Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands
- ☐ Anchoring a vessel
- ☐ Deserting a vessel aground, at anchor, or adrift
- ☐ Discharging or depositing any material or matter into the Monument
- ☐ Touching coral, living or dead
- ☐ Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- ☐ Attracting any living Monument resource
- ☐ Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- ☐ Subsistence fishing (State waters only)

☐ Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area



**6. Purpose/Need/Scope *State purpose of proposed activities:***

The applicant's primary role will be as an HMSRP field researcher assisting with population assessment and recovery activities benefitting the Hawaiian monk seal population. These activities are covered under the PMNM Manager's Permit. The purpose of the applicant's proposed activity in the Monument is to research what remote conservation fieldwork involves and why it is vital to the survival of the Hawaiian monk seal and the ecological health of the Monument. It will also address the vast problems of marine debris and its impact on wildlife. The goal of the applicant's activity is to address and discuss anthropogenic impacts on the vulnerable ecosystem of the Monument by documenting and humanizing the NWHI through the work of the HMSRP. The applicant will shoot photographs and A/V footage for the purpose of gathering visual information to inform a didactic body of artwork discussing these issues. Photographs and A/V recordings will focus on capturing the work of the HMSRP and field camp, wildlife and the surrounding environment of the Monument.

Photographic studies and A/V recordings will serve as the applicant's main form of documentation while in the Monument and are essential for providing the most comprehensive visual understanding of the region. The applicant will primarily use the resulting photographs and A/V documentation as compositional studies for studio work in cameo engraved glass and secondarily in their original formats. Photographic and video studies are invaluable resource materials for the final works of art. Only very select photographs, video footage and audio recordings will be exhibited along side the applicant's artwork as supporting content.

All of the applicant's photographic and A/V documentation work fits within the HMSRP research position constraints and will be done in conjunction with the normal HMSRP field work activities.

\*Considering the purpose of the proposed activities, do you intend to film / photograph federally protected species?    Yes ☒    No ☐

For a list of terrestrial species protected under the Endangered Species Act visit:

<http://www.fws.gov/endangered/>

For a list of marine species protected under the Endangered Species Act visit:

<http://www.nmfs.noaa.gov/pr/species/esa/>

For information about species protected under the Marine Mammal Protection Act visit:

<http://www.nmfs.noaa.gov/pr/laws/mmpa/>

**7. Answer the Findings below by providing information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Monument:**

The Findings are as follows:

a. How can the activity be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument?

All of the proposed photography and videography activity is non-invasive and solely observational. The activity will be conducted with adequate safeguards to the Monument's resources and ecological integrity by strictly following Monument rules, regulations and best practices. As an HMSRP field researcher, the applicant will undergo formal training and required briefings for working in the Monument prior to deployment and will only conduct work that strictly adheres to the approved activities of her role as an HMSRP field researcher. All proposed activities will be done under the approval of the field camp leader in adherence to HMSRP/PMNM approved activities.

Specific to Hawaiian cultural resources, while all NWHI are of cultural significance this work will not be conducted on Nihoa and Mokumanamana Islands, the sites with the greatest abundance of cultural sites.

All activities will be conducted under the identical constraints as the HMSRP field activities. No special access will be requested to any locations the HMSRP would not be required to go in the course of their work (i.e. island interiors at Laysan or Lisianski).

b. How will the activity be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects?

The proposed photography and videography activities are strictly observational and non-invasive. There will be no impact on the resources or integrity of the Monument. Formal field training, briefings by partner agencies, and oversight by the HMSRP will inform the applicant of Monument regulation ensuring that the activity is conducted in a compatible manner to Monument management.

c. Is there a practicable alternative to conducting the activity within the Monument? If not, explain why your activities must be conducted in the Monument.

There is no practicable alternative to conducting the activity within the Monument. Working within the Monument will provide the applicant with the most credible and comprehensive understanding of the region essential to the goal of the applicant's work of humanizing issues of anthropogenic climate change, environmental stewardship and wildlife conservation in the Monument and remote field work in the NWHI as related to the HMSRP.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?

The proposed activity should be considered additive to the monk seal conservation research that is being conducted. This work will not increase the impacts inherent to human presence necessary for monk seal conservation efforts, but will increase public awareness of the species' plight, threats of marine debris and climate change, and the critical role of the PMNM.

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.

The proposed activity of the applicant is to document the Monument and fieldwork of the HMSRP for a field season while participating in research and conservation activities. The duration of the camps are determined by the HMSRP and set to overlap with the majority of the monk seal pupping season.

f. Provide information demonstrating that you are qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

The applicant has owned and operated a research based art practice for over a decade that has given her vast experience in the proposed activities of photography and videography. The applicant's artwork requires her to be an accomplished photographer capable of capturing her surrounding environments in a visually compelling way.

The applicant has comprehensive experience working in varied locations worldwide, including working in a remote field setting. In 2013, the applicant deployed to Palmer station, Antarctica with the National Science Foundation's, Antarctic Artist and Writers Programme for eight weeks. During that time the applicant worked alongside scientists documenting her experiences and their work in the field by means of photography and A/V recordings. The subsequent materials were used as source materials and supporting content for a body of work based on the Antarctic, exhibited nation wide.

g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

As a field researcher with the NOAA HMSRP, the applicant's costs to conduct and complete the activity while working in the Monument will be covered by their funding.

h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.

Working as a field member with the HMSRP enables the applicant to conduct the proposed activity with little to no impact on the Monument. Photography and videography are of the two most reliably accurate, efficient and non-invasive ways of visual documentation.

i. Has your vessel been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031?

NOAA RV, yes.

j. Demonstrate that there are no other factors that would make the issuance of a permit for the activity inappropriate.

Proposed activities strictly fall under the guidelines of the HMSRP volunteer programme and Monument regulation and there are no factors that would make the issuance of the permit inappropriate.

FOR SPECIAL OCEAN USE ACTIVITIES OUTSIDE OF MIDWAY ATOLL SPECIAL MANAGEMENT AREA, ANSWER THE ADDITIONAL THREE FINDINGS BELOW:

k. Explain how your activity will directly benefit the conservation and management of the Monument.

The purpose of the activity is to bring awareness to the HMSRP and the Monument by propagating public interest through art. Considering the ideology that knowledge is the key to societal transformation, the activity will directly benefit the conservation of the Monument by proliferating an informed understanding of it.

l. Explain how the purpose of your activity is for research or education related to the resources or qualities of the Monument.

Art is a powerful way of informing the public because it offers an accessible and visceral means of inspiring people across all social and political spectrums. The proposed activities are built on the belief that the dialogue between art and science is imperative for a most informed and diversified understanding of life. Cross-disciplinary exchanges such as proposed are invaluable catalysts for facilitating complex ideas to the public at large and hold significant cultural value.

m. Does the activity involve the use of a commercial passenger vessel (defined as a vessel that carries individuals who have paid for such carriage)?

No

FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA, ANSWER THE ADDITIONAL TWO FINDINGS BELOW:

n. Explain how your activity will further the conservation and management of the Monument.

The activity will further the conservation and management of the Monument within Midway atoll much the same as it would benefit the rest of the Monument; by bringing awareness to the HMSRP and the Monument by propagating public interest through art. Considering the ideology that knowledge is the key to societal transformation, the activity will directly benefit the conservation of the Monument by proliferating an informed understanding of it.

- o. How is your activity compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated?

The applicant will be operating under the supervision of HMSRP staff IF she goes to Midway Atoll during one of the ships brief stops at the atoll. That will ensure that the applicant does not enter restricted areas, unnecessarily disturb wildlife, or otherwise impact historical resources located on the island. Much like with Tern Island, if the applicant visits Midway she would like to work with USFWS staff to receive some history of the island as well as the efforts being undertaken to conserve and protect both the natural and cultural resources of the atoll.

**NOTE: If this is a first time Special Ocean Use activity, it will be subject to a pilot project and will be restricted in duration. Special Ocean Use activities proposed outside the Midway Atoll Special Management Area will require public notice of the application and an opportunity to provide comments is given at least 30 days prior to issuing the permit.**

#### **8. Procedures/Methods:**

Methods of Photography/Videography/Audio recordings:

The applicant will use varying methods of photography depending on the desired outcome of the imagery. The vast majority of the photographs taken in the Monument will be shot using three types of digital cameras: a DSLR, HERO3+ and compact. Photographs will be taken during HMSRP field activity when deemed appropriate by field camp leader and during the hours that the applicant is off duty. The applicant will carry the appropriate camera for the situation and take observational photographs that capture life in the Monument. All photography and videography will be opportunistic and species will not be approached for photographic purposes. The following is a generalized list encapsulating some but not all of the subjects the applicant may capture: surrounding land and seascape, Hawaiian monk seal, green sea turtle, variety of bird species that might be present including Laysan and Blackfooted albatross, boobies [multiple species], frigate birds and other wildlife, flora, HMSRP field activities, field camp site, field camp maintenance, marine debris and buildings/infrastructure that may exist in different locations.

Photographs will be shot either handheld or with support from a tripod. In some instances the HERO3+ \*or waterproof compact digital camera\* may be held under the surface of the water to capture the desired image. All photographs to be taken are non-invasive and solely observational. Appropriate distances from wildlife will be determined before any photography or videography work begins regardless of subject. The specific goal of the photographs is to capture images that encapsulate the life and conservation work of the Monument. Digital photographs will be stored on digital memory cards and external hard drives and processed on a lap top computer.

The applicant will use a 35mm roll film camera and develop all film after fieldwork in the Monument is complete.

Another form of photography the applicant will employ is pinhole photography; an analogue lensless process of exposing film or film paper in a light tight container. Pinhole cameras are secured in place while the film or film paper is exposed, using a tripod, string or weight. The applicant will use the same considerations for pinhole photography as in digital photography. All film and film paper will be processed out of the monument and poses no threat of introducing hazardous materials to the Monument.

Videography will be recorded using the video function on the digital DSLR, HERO3+ and compact cameras. All of the same methods will be employed to record videos as in shooting digital photographs.

In some cases, audio recordings will be made independently from the video recording using a microphone audio recorder. This method of recording audio produces high quality audio. Audio recordings will be made during observational studies and focus on capturing the noises of the Monument.

**9. Provide proof of general liability insurance, or indicate that you will be posting an equivalent bond against claims arising out of activities conducted under the permit:**

This work is being conducted secondary to the applicants position within the HMSRP field camps. All liability is covered by NOAA.

**10. If applicable, describe how you are collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere?**

The applicant will be collaborating with the HMSRP as a field camp volunteer to reduce duplicative activities in the Monument.

**11. List all specialized gear and materials to be used in this activity:**

The applicant holds copyright for all photo/video/and audio recordings.

-Canon Powershot s100 compact digital camera / 12 megapixels / RAW uncompressed format / 24-120 mm equiv. focal length / 5x optical zoom / F2.0-F5.9 Max. aperture / HD video capable

- Canon EOS 60D DSLR / 18 megapixels / RAW uncompressed format / HD video capable

\*Back-up digital DSLR camera body

-Canon EF 24-105mm f/3.5-5.6 IS

-Canon EF 70-300mm f/4-5.6L IS USM

-Canon EF 50mm f/1.2L

-Canon EFS 10-22mm f/3.5-4.5

-Canon EFS 18-200mm f/3.5-5.6 IS

\* Tamron A005 AF 70-300mm f4-5.6 SP Di USD VC Lens Canon EF

\*MeFoto Roadtrip Tripod

-Sekonic L 308s [light meter]

-HERO3+ Black Edition / f/2.8-6 / 12 megapixels / 1080p

\*Olympus T-G 4 / 16MP / waterproof compact digital camera

- Canon Rebel 2000 SLR/ 35mm roll film

\*Digital Recording Microphone / Sony ECMMS907 / Electret condenser stereo microphone or equivalent

-Pinhole cameras:

- Zero 2000 D / 120 roll film

- Small tins made of found objects [such as Altoid mint tins] / Ilford film paper

\*Laptop computer and external hard drive for digital image storage

**12. List all Hazardous Materials you propose to take to and use within the Monument:**  
N/A

**13. Describe any fixed installations and instrumentation proposed to be set in the Monument:**  
N/A

**14. List all Applicants' publications directly related to the proposed project:**

-The dates of circulation of the final artwork is to be determined but shall be circulated no longer than two years after the field work is complete for a period unknown at this time.

-The following list of examples illustrates how the applicant's artwork is typically disseminated and gives the approximate numbers of visitors where applicable:

-Month long gallery exhibitions. Past shows in NYC, Seattle and Palm Springs. Free and open to the public. An exhibition in Seattle, Sept. 2014 saw Approx. 600 total unique visitors over a period of 4 weeks. Approx 150 people each for two opening receptions. Another 300 during the month and 50 repeat visitors.

-Gallery participation in art fairs including SOFA Chicago, Art Miami and Art South Hampton. Art fairs draw anywhere from 35,000 (SOFA Chicago) to 75,000 (Art Miami) visitors over the period of the fair dates, usually 3 -6 days.

- Three to five-month long museum exhibitions. The applicant's exhibition at the Bellevue Arts Museum in 2010/11 ran from October to May and saw 20,000 paid visitors, 300 guests at opening reception, 2,500 free access visitors and 500 member visits.

- National and international public and private lectures. - Approximately 350 attendees total for the 3 lectures given in 2014. Lectures included: International speaker at New Zealand glassmaking conference, Auckland, NZ. Artist talk at SOFA Chicago and private gallery talk in Seattle.

- Exhibition catalogues typically produced by gallery.

- Coverage in national print and online publications. Examples: Drawing Magazine, American Craft, American Art Collector, Urban GLASS quarterly [print and online publications]



With knowledge of the penalties for false or incomplete statements, as provided by 18 U.S.C. 1001, and for perjury, as provided by 18 U.S.C. 1621, I hereby certify to the best of my abilities under penalty of perjury of that the information I have provided on this application form is true and correct. I agree that the Co-Trustees may post this application in its entirety on the Internet. I understand that the Co-Trustees will consider deleting all information that I have identified as “confidential” prior to posting the application.

---

Signature

Date

**SEND ONE SIGNED APPLICATION VIA MAIL TO THE MONUMENT OFFICE BELOW:**

NOAA/Inouye Regional Center  
NOS/ONMS/PMNM/Attn: Permit Coordinator  
1845 Wasp Blvd, Building 176  
Honolulu, HI 96818  
FAX: (808) 455-3093

**DID YOU INCLUDE THESE?**

- ☒ Applicant CV/Resume/Biography
- ☐ Intended field Principal Investigator CV/Resume/Biography
- ☒ Electronic and Hard Copy of Application with Signature
- ☐ Statement of information you wish to be kept confidential
- ☐ Material Safety Data Sheets for Hazardous Materials



## **Papahānaumokuākea Marine National Monument Compliance Information Sheet**

**1. Updated list of personnel to be covered by permit. List all personnel names and their roles here (e.g. John Doe, Diver; Jane Doe, Field Technician, Jerry Doe, Medical Assistant):** April Surgent, Field Researcher

**2. Specific Site Location(s): (Attach copies of specific collection locations):** Pearl and Hermes Reef (primary camp), opportunistic visits to French Frigate Shoals, Laysan Island, Lisianski Island, Midway Atoll, and Kure Atoll are possible.

**3. Other permits (list and attach documentation of all other related Federal or State permits):** PMNM Managers Permit 2016-001, NMFS ESA/MMPA Permit #16632

**3a. For each of the permits listed, identify any permit violations or any permit that was suspended, amended, modified or revoked for cause. Explain the circumstances surrounding the violation or permit suspension, amendment, modification or revocation.** None

**4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information):** Activities within the PMNM are undertaken with NOAA Fisheries

**5. Time frame:**

Activity start: April 19, 2016

Activity completion: August 30, 2016 (creation of art would extend between field effort)

Dates actively inside the Monument:

From: April 19, 2016

To: August 30, 2016

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application: Dates actively inside the Monument may change due to ship delays or hazardous weather etc.

Personnel schedule in the Monument:

19 April        Nihoa Island  
20 April        Mokumanamana Island  
21 April        French Frigate Shoals  
22 April        Transit  
23 April        Laysan Island  
24 April        Lisianski Island  
25 April - Aug        Pearl and Hermes Reef  
August Schedule TBD

**6. Indicate (with attached documentation) what insurance policies, bonding coverage, and/or financial resources are in place to pay for or reimburse the Monument trustees for the necessary search and rescue, evacuation, and/or removal of any or all persons covered by the permit from the Monument:** Applicant is entering Monument as field researcher for NOAA Fisheries and covered under Federal Government.

**7. Check the appropriate box to indicate how personnel will enter the Monument:**

- ☒ Vessel  
☐ Aircraft

Provide Vessel and Aircraft information: Entry: NOAA RV Hi'ialakai, Exit: Oscar Elton Sette

**8. The certifications/inspections (below) must be completed prior to departure for vessels (and associated tenders) entering the Monument. Fill in scheduled date (attach documentation):**

- ☐ Rodent free, Date:  
☐ Tender vessel, Date:  
☐ Ballast water, Date:  
☐ Gear/equipment, Date:  
☐ Hull inspection, Date:

**9. Vessel information (NOTE: if you are traveling aboard a National Oceanic and Atmospheric Administration vessel, skip this question):**

Vessel name:  
Vessel owner:

Captain's name:

IMO#:

Vessel ID#:

Flag:

Vessel type:

Call sign:

Embarkation port:

Last port vessel will have been at prior to this embarkation:

Length:

Gross tonnage:

Total ballast water capacity volume (m3):

Total number of ballast water tanks on ship:

Total fuel capacity:

Total number of fuel tanks on ship:

Marine Sanitation Device:

Type:

Explain in detail how you will comply with the regulations regarding discharge in the Monument. Describe in detail. If applicable, attach schematics of the vessel's discharge and treatment systems:

Other fuel/hazardous materials to be carried on board and amounts:

Provide proof of a National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement-approved Vessel Monitoring System (VMS). Provide the name and contact information of the contractor responsible for installing the VMS system. Also describe VMS unit name and type:

VMS Email:

Inmarsat ID#:

\* Individuals MUST ENSURE that a type-approved VMS unit is installed and that its automatic position reports are being properly received by the NOAA OLE system prior to the issuance of a permit. To make sure your VMS is properly configured for the NOAA OLE system, please contact NOAA OLE at (808) 203-2503 or (808) 203-2500.

\* PERMITS WILL NOT BE ISSUED TO INDIVIDUALS ENTERING THE MONUMENT VIA VESSEL UNTIL NOAA OLE HAS CONTACTED THE MONUMENT PERMIT COORDINATOR WITH A 'POSITIVE CHECK' READING.

## **10. Tender information:**

On what workboats (tenders) will personnel, gear and materials be transported within the Monument? List the number of tenders/skiffs aboard and specific types of motors: N/A  
Covered under HMSRP permitted activities field camp activities.

### **Additional Information for Land Based Operations**

**11. Proposed movement of personnel, gear, materials, and, if applicable, samples:**

Per NOAA HMSRP Field Camp Protocols and Approvals

**12. Room and board requirements on island: none**

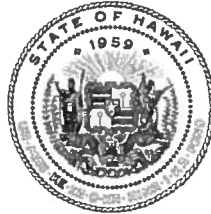
**13. Work space needs: none**

**DID YOU INCLUDE THESE?**

- ☐ Map(s) or GPS point(s) of Project Location(s), if applicable
- ☐ Funding Proposal(s)
- ☐ Funding and Award Documentation, if already received
- ☐ Documentation of Insurance, if already received
- ☐ Documentation of Inspections
- ☐ Documentation of all required Federal and State Permits or applications for permits







STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF AQUATIC RESOURCES  
1151 PUNCHBOWL STREET, ROOM 330  
HONOLULU, HAWAII 96813

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY PEARSON  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

April 8, 2016

TO: Division of Aquatic Resources File

THROUGH: Suzanne D. Case, Chairperson

FROM: Maria Carnevale  
Papahānaumokuākea Marine National Monument

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT  
UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR  
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO APRIL  
SURGENT, PRIVATE ARTIST - SURGENT GLASSWORKS, FOR ACCESS TO STATE WATERS TO  
CONDUCT ART AND PHOTOGRAPHIC ACTIVITIES UNDER PERMIT PMNM-2016-011

The following permitted activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title:

Papahānaumokuākea Marine National Monument Special Ocean Use Permit to April Surgent, Private Artist, for Access to State Waters to Conduct Art and Photographic Activities

Permit Number: PMNM-2016-011

Project Description:

The special ocean use permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters from April 15, 2016 – April 14, 2017.

The project would entail the applicant partaking in monk seal field camp activities covered under the Manager's permit and document her experience in the Monument through photography, film, sound recordings, and collection of marine debris for artistic uses; specifically at Pearl and Hermes, Laysan Island, Lisianski Island, French Frigate Shoals, Midway and Kure for the purpose of creating a body of fine art aimed at discussing the critical value of conservation in the Monument.

The project is in direct support of the Monument Management Plan's (MMP's) Ocean

Ecosystems Literacy Action Plan Strategy-1, “mainstreaming Northwestern Hawaiian Islands (NWHI) and ocean ecosystem literacy” by increasing ocean ecosystems literacy and promoting stewardship values (PMNM MMP 2008 Vol. I, p. 287). Activities to support outreach, including “bringing the place to the people” through filmmaking, photography, and art to be carried out by the permittee, are addressed in the Monument Management Plan Environmental Assessment. This EA summarizes that engaging Monument constituencies through integrated communications and would result in a beneficial effect on the Monument’s natural resources (PMNM MMP Vol 2, p.170).

Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai‘i Division of Aquatic Resources, Hawai‘i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since February 12, 2016 giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument’s Public Notification Policy.

Exemption Determination:

After reviewing HAR § 11-200-8, including the criteria used to determine significance under HAR § 11-200-12, DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this permit, including filming and photography, have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project, must be grouped together and evaluated as a single action. HAR § 11-200-7. This permit does not involve an activity that is precedent to a later planned activity.

2. The Exemption Class for Basic Data Collection with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and section 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. specifically exempts the class of actions which involve “basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource.” This exemption class has been interpreted to include photographing and recording activities, such as those being proposed.

The proposed filming and photography activities here appear to fall squarely under the exemption class #5, exempt item #2 as described under the Exemption List for the Department of Land and Natural Resources list published in June 5, 2015 as “non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.” Filming and photography are considered data collection. As discussed below, no significant disturbance to

any environmental resource is anticipated in either the filming or photographing of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if “the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.” HAR § 11-200-8.B. To gauge whether a significant impact or effect is probable, an exempting agency must consider every phase of a proposed action, any expected primary and secondary consequences, the long-term and short-term effects of the action, the overall and cumulative effect of the action, and the sum effects of an action on the quality of the environment. HAR § 11-200-12. Examples of actions which commonly have a significant effect on the environment are listed under HAR § 11-200-12.

There were no deleterious effects from previous filming and photography projects undertaken in State waters. Permittees conducting these activities are always escorted while in the field and no collections are allowed. With this in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities will be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any anticipated indirect or cumulative impacts, nor did it raise any cultural concerns, that would occur as a result of these activities.

The activities would be conducted from the NOAA Ship HI’IALAKAI (PMNM-2016-006) during its April cruise. The following tables list additional activities that are anticipated to take place in the Monument, pending approval.

**Table 1. Concurrent Projects Aboard NOAA SHIP HI'IALAKAI**

Permit	Purpose and Scope	Location
PMNM-2016-006 NOAA Ship HI'IALAKAI	The permit allows NOAA Ship HI'IALAKAI entry into PMNM. Personnel aboard the vessel will be permitted under separate permits.	All locations
PMNM-2016-001 Co-Trustees' Permit	Activities covered under the Co-Trustees' permit will also be taking place in PMNM during spring 2016 (i.e. deployment of restoration field crews, monk seal camps, etc).	All locations

**Table 2. Concurrent Projects in PMNM**

Permit	Purpose and Scope	Location
PMNM-2016-001 M/V SEARCHER (approved)	The permit allows NOAA Ship M/V SEARCHER entry into PMNM. Personnel aboard the vessel will be permitted under separate permits.	All locations
PMNM-2015-017-A1 Springer (proposed)	The Applicant would be using traditional ecological knowledge to examine intertidal ecosystems activities	Nihoa, Mokumanamana, Gardner Pinnacles, French Frigate Shoals
PMNM-2015-026-A1 Bird-Toonen (proposed)	The Applicant would be conducting intertidal biodiversity survey activities	Nihoa, Mokumanamana, Gardner Pinnacles, French Frigate Shoals
PMNM-2016-018 Rubinoff (proposed)	The Applicant would be conducting research activities on the Hawaiian Hyposmocoma moth	All terrestrial locations, including Gardner Pinnacles

The culmination of these permits, and their disparate activities, occurring throughout the Monument, is not anticipated to have significant cumulative impacts. The *M/V Searcher* is also expected to be in the Monument during this time frame facilitating the intertidal biodiversity cruise with proposed activities by Springer (PMNM-2015-017-A1), Bird-Toonen (PMNM-2015-026-A1). Rubinoff (PMNM-2016-018) is also proposing to conduct moth research activities from the *M/V Searcher*. It should be noted that the Applicant will not be deployed to Nihoa, Mokumanamana or Gardner Pinnacles for her work with the monk seal camp. Being that the Applicant's activities are purely observational, there would be no cumulative impact issues relating to these four permits overlapping in time.

Since no significant cumulative impacts or significant impacts with respect to any particularly sensitive aspect of the project area are anticipated, the categorical exemptions identified above should remain applicable.

4. Overall Impacts will Probably be Minimal and Insignificant. Any foreseeable impacts from the proposed activity will probably be minimal, and further mitigated by general and specific conditions attached to the permit. Specifically, all filming activities covered by this permit will be carried out with strict safeguards for the natural, historic, and cultural resources of the Monument as required by Presidential Proclamation 8031, other applicable law and agency policies and standard operating procedures.

Conclusion. Upon consideration of the permit to be approved by the Board of Land and Natural Resources, the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR, have been determined to be of probable minimal or no significant effect on the environment and exempt from the preparation of an environmental assessment.

---

Suzanne D. Case  
Board of Land and Natural Resources

---

Date